THE BOOK OF IDDAH

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IDDAH

Literally -the word ‘iddah means to count. The count of the monthly purifications after menstruation.

Religiously ‘iddah means the period of waiting by a woman in a house on the dissolution of her marriage after consummation or on the demise of her husband even if the marriage has. not been consummated. She is not allowed to leave the house in this period. A marriage contracted by her during this period is void.

OBJECTIVES OF IDDAH

The primary object of ‘iddah is imposed to ascertain whether the woman is pregnant so that the paternity of the child that may be born to her after the death of her husband or the dissolution of her marriage may be determined. Another object is due to the close and important relationship between the husband and wife, in the case of a deceased husband the shari’ah has imposed upon the wife to observe mourning and express sorrow during the period of ‘iddah. This serves as a mark of respect for the de- ceased husband.

The rules regarding ‘iddah vary in different cases and it will be inappropriate to include the full detail of all types of ‘iddah in this booklet. The ‘iddah after the death of the husband – which is relevant is dealt with hereunder.

PERIOD OF ‘IDDAH

1. A woman has to observe ‘iddah for four lunar months and ten days on the death of her husband irrespective whether she is a major or minor (i.e. she being a child or past the age of menstruation) or even if the marriage has not been consummated.
2. If the husband dies on the first day of the Islamic month (which is reekonned according to the lunar sighting) then the four months and ten days of the ‘iddah will be calculated according to the lunar months that follow. Certain months may be of twenty-nine days and others may be of thirty days.
3. If the demise was not on the first day of the Islamic month then she will calculate thirty days for all four months that follow (4 x 30 120 10 130 days). The months that may be of twenty-nine days will not be considered. This same rule applies to an ‘iddah of Talaq in the case where the widow is not pregnant.
4. The ‘iddah of a pregnant woman is up to the time of delivery or miscarriage (only if the limbs of the embryo had formed) whether the ‘iddah is due to death, divorce or any form of separation. The four months and ten days must not be reckoned in this instance.
5. If the woman is bearing twins her ‘iddah will only terminate when the second child is delivered.

6. If the husband dies while the wife is observing the ‘iddah due to a divorce (‘iddah of Talaaq) then the following rules will apply:-

* If the husband gives a Raj’ee Talaaq (revocable divorce) and should he then die while his wife is still observing the ‘iddah of Talaaq, she shall now have to abandon that ‘iddah and observe the ‘iddah of death which is four months and ten days .from the time of the husband’s death. The remaining period of the first ‘iddah which was due to the divorce shall not be reckoned in any-way. In case any one of the married couple dies during the period of ‘iddah following a revocable divorce, the surviving spouse inherits from the deceased.

* If the husband gives a Baa’in Talaaq (irrevocable divorce) while he was in good health, whether this divorce was at her instance or not, and should he then die while his wife is still observing the ‘iddah of Talaaq, then she should complete the ‘iddah of Talaaq. No ‘iddah for the death of her husband will be incumbent on her nor will she inherit from his estate.

* If this Baa’in Talaaq (irrevocable divorce) is pronounced during the death illness (maradbui-mowt) and it was at the wifes instance, and should the husband die during the wifes ‘iddah of Talaaq, then too she should complete the ‘iddah of Talaaq and there will be no ‘iddah of death for her nor will she inherit from the deceased husband.

* If the Baa’in Talaaq (irrevocable divorce) is given during the death illness, not at the Instance of the wife and the husband dies during the wifes ‘iddah of Talaaq then she has to observe the ‘iddah for either divorce or death whichever period be the longer. (three full menstruation courses or delivery if there be a pregnancy for ‘iddah of divorce against four months and ten days for ‘iddah of death) In this case she will inherit from her husbands estate.

7. If the marriage be faasid (irregular) (i.e. performing nikah without witnesses or marrying two sisters at the same time etc.) and has not been consummated, no ‘iddah is necessary. But if it has actually been consummated she has to observe ‘iddah for three menstrual courses or three months if she is not subject to them. If she is pregnant then her ‘iddah will expire only on delivery. The period of ‘iddah shall begin from the time of the death of her husband. In this case the ‘iddah of four months and ten days will not apply.

COMMENCEMENT OF’IDDAH

1. The period of ‘iddah commences from the time of death of the husband or divorce or other causes of separation. It is not in any way affected by the wife’s ignorance of the fact that it had become due.
2. If she receives the news about the divorce or the husband’s death at a later stage but within the prescribed four months and ten days, then she will remain in ‘iddah for the remaining days required to complete the four months and ten days.
3. If she does not receive any information about the divorce or the husband’s death until such time when the prescribed period of. ‘iddah has already expired then no ‘iddah shall be waajib (incum- bent) on her.
4. If a woman is not at home at the time of her husband’s death or at the time of a divorce. She should return as soon as possible and observe the ‘iddah at home. The days of ‘iddah are calculated from the time of the demise of her husband or the time when the divorce was given.

PLACE OF IDDAH

1. It is incumbent upon a woman under ‘iddah to observe it in the house where she was residing at the time of the death of her lius- band or the dissolution of the marriage.
2. If the ‘iddah becomes incumbent on a wife while on a journey she should return to the place of her residence as soon as possible to observe her ‘iddah. Provided that her permanent home is within the Shar’i safar distance, and not beyond.
3. If the husband dies while the wife is estranged (but not divorced) and she is at her parents home or elsewhere she has to return imme- diately to her husband’s house and observe the ‘iddah there. This is even if the husband dies elsewhere.

MAINTENANCE DURING ‘IDDAH

1. In the case of the husband’s death the widow shall not be entitled to any maintenance from the estate of her husband for the period of her ‘iddah, due to being an heir. The liability of maintenance lies only on the husband and the other heirs are not responsible for the same.
2. She will inherit from the estate of her husband.
3. If she did not receive her dowry (Mebr) nor did she forgive her husband for it, she should receive it as a first charge from his estate.

RULES FOR OBSERVANCE OF ‘IDDAH

There are two ayahs (verses) in the Qur’aan regarding the observance of ‘iddah of death. These ayahs sufficiently denote the importance of ‘iddah.

1. And (as for) those of you who die and leave wives behind, such women should keep themselves in waiting for four months and ten days (AI.Baqarah – 234).
2. And the pregnant women, their prescribed time is that they lay down their burden (Al-Talaaq – 4).

To disregard Allah’s commands regarding, ‘iddah is a major sin. The following are important rules to be observed during ‘iddah.

MOURNING DURING’IDDAH

1. It is waaiib (obligatory) for an adult sane woman to mourn the death of her husband during the ‘iddah. Mourning is not waajib upon a woman who is insane or a minor, though all the other rules of ‘iddah will apply to these two as well.
2. Thus it is not permissible for a women who is in ‘iddah to adorn herself with flashy coloured clothing, wear jeweII6ry, use perfumes, apply hina (mehndi), surma or make-ups, or beautify herself in any way. Although she is certainly allowed to keep herself clean and presentable.
3. In Christian countries Muslim women must abstain from wearing black clothes during ‘iddah because this is the Christian way of mourning their dead.
4. However coloured clothes that are old and not flashy could be used and if need be surma could be applied at night for medicinal purpose, but should be removed in the morning.
5. If she is used to applying oil to her hair and she fears that not applying hair oil will result in

headaches then she is allowed to use non-scented hair oil, provided the result does not enhance her beauty.
6. Mourning by the wife is not allowed for any other person besides the husband. However if the husband does not prohibit the wife, she may mourn the death of a relative for three days only. Rasulullah S.A.W. has sternly prohibited mourning for more than three days besides the widow for her husband which is four months and ten days.

REMAINING IN THE HOME DURING 'IDDAH

1. During the period of 'iddah the bereaved wife should remain in the dwelling that they occupied at the time of the demise of her husband. It is not permissible (Haraam) for her to leave this house if she has sufficient provision.
2. If she is the sole bread winner with no other means of income then only is she permitted to leave her house during the day to seek her livelihood. She must return to this house before nightfall and as soon as she has completed this duty during the day.
3. It is not required that she confines herself to a certain room or that she remains silent during the 'iddah. She should preferably occupy herself with ibaadah or any virtuous act. She may carry out any house work. She must not indulge in any sinful activity or pas- time.
4. She may leave the house for unavailable or emergency medical treatment, but should return immediately thereafter. If the distance to such services exceeds the limit of safar (77.25 km or 48 miles) she must be accompanied by a Mahram (a male member of the family whom she cannot marry by Islamic Law).
5. She may not leave the borne to visit the ill or go to a place where there is a funeral, though they be close' relatives or even immediate neighbours.
6. She may move to another house if she cannot find sufficient accommodation in the deceased's house by virtue of her inheritance from him, and if the remaining heirs do not allow her the use of her hus- band's house or she is unable to observe the lslamic required purdah.
7. If the husband dies in a rented house, then if the surviving wife is able to pay the rent she must observe her 'iddah in the same house. When she is unable to pay the rent she may move to the nearest available safe place where she must now complete her 'iddah.
8. In case she is the sole occupant of the house where the 'iddah has to be passed and the fear of being alone is so great that it is unbearable, so as to cause mental ill health or defect, she may shift to another house. Where the fear is not unbearable it will not be per- missible to move.
9. If the dwelling where she is residing is in a dilapidated condition and there is a risk that it may collapse or when it is insecure and there is a real threat to her chastity, honour or life, she may shift to another house, but she has to return to her home as soon as the cause of danger is removed.

Note: In all the instances described above where shifting from the house of the 'iddah to another house is mentioned utmost care must be taken.

* that the cause be true and genuine.
* that she moves to the nearest available safe house from where she lived.

* that she completes her ‘iddah in this house. She may not move from this house again without a valid Shar’i reason.

PROHIBITION OF MARRIAGE DURING ‘IDDAH

1. The Qur’aan prohibits a direct proposal of the marriage to a woman observing ‘iddah and a man is allowed to give only a veiled hint to her of his desire to marry her (Surah al Baqarah – 235). It is therefore not permissible to even propose to her or to become engaged to her whilst she is observing ‘iddah.
2. The wife who is observing ‘iddah cannot lawfully contract a second marriage during the period of ‘iddah. ‘(Refer to Surah al Baqarah 232).
3. It is a kabirah (cardinal) sin to solemnise such a marriage and even to participate in it.
4. A marriage contracted by the wife during the period of ‘iddah shall be a void (baatil) marriage and shall not be recognised in Islam